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DATE MAILED: 09/22/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/031,066	01/15/2002	Keiichi Kanaka	009760-015	6058	
21839	21839 7590 09/22/2004			EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			ROBERTSON	ROBERTSON, JEFFREY	
			ART UNIT	PAPER NUMBER	
			1712		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
Office Action Summan	10/031,066	KANAKA ET AL.			
Office Action Summary	Examiner	Art Unit			
The MAN WO DATE AND	Jeffrey B. Robertson	1712			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	within the statutory minimum of thirty (30) day ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication.			
Status					
1)⊠ Responsive to communication(s) filed on 15 Ja	nuary 2002.				
2a) This action is <b>FINAL</b> . 2b) ⊠ This	on is <b>FINAL</b> . 2b) This action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4) ⊠ Claim(s) <u>1-20</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ⊠ Claim(s) <u>1-6,8,9,11-14 and 17-20</u> is/are allowed 6) ☐ Claim(s) is/are rejected. 7) ⊠ Claim(s) <u>7,10,15 and 16</u> is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	d.				
Application Papers					
9)☐ The specification is objected to by the Examiner					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign p a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priori application from the International Bureau * See the attached detailed Office action for a list of	have been received. have been received in Application ty documents have been receive (PCT Rule 17.2(a)).	on No d in this National Stage			
Attachment(s)					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 0102.  S. Patent and Trademark Office.	4) Interview Summary ( Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:	te			

U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Art Unit: 1712

#### **DETAILED ACTION**

## Claim Interpretation

1. In interpreting the phrase "kinds of" in claims 1-3, as applied to compounds and resins set forth in the claims, the examiner has interpreted this phrase to be limited to different permutations of the general compounds and resins specifically disclosed following these phrases.

## Claim Objections

Claims 7, 10, 15, and 16 are objected to because of the following informalities:
 For claim 10, the claim ends in a colon. This should be changed to a period.
 Appropriate correction is required.

For claims 7, 15, and 16, the formula (IV) fails to further limit formula (I) disclosed in claim 1. Claim 1 discloses that X is a hydrogen atom, hydroxyl group, or a *monovalent* organic group. In addition R is a *monovalent* organic group. This does not allow for the presence of Y, a divalent group in the formula. In addition the definition of Y as a dioxy organic group is not allowed by the broad definitions given in claim 1.

## Allowable Subject Matter

- 3. Claims 1-6, 8, 9, 11-14, and 17-20 are allowed.
- 4. Claims 7, 10, 15, and 16 would be allowable if rewritten or amended to overcome the claim objections set forth in this Office action.
- 5. The following is a statement of reasons for the indication of allowable subject matter: Aketa et al. (U.S. Patent No. 5,514,739), Kurita (U.S. Patent No. 5,679,284) Murakami et al. (U.S. Patent No. 6,127,466), Saito et al. (U.S. Patent No. 6,280,668),

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Murakami et al. (U.S. Patent No. 6,414,072) are all cited as the closest prior art. Each of these references teaches a composition that contains polyester that does not form an anisotropic melt phase, liquid crystal polymer that is capable of forming an anisotropic melt phase, and a phosphorus compound. However, none of these references teaches or suggests the phosphorus oxoacid monoesters and diesters as set forth in the instant claims. The phosphorus compounds set forth in these references all contain at least three ester groups, and none of the references would provide any motivation to one of ordinary skill in the art to substitute the phosphorus compounds claimed in the instant application for the compounds used in those references.

#### Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim et al. (U.S. Patent No. 5,679,288), Dashevsky et al. (U.S. Patent No. 5,833,886), and Long et al. (U.S. Patent No. 6,348,163) are cited for general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey B. Robertson whose telephone number is (571) 272-1092. The examiner can normally be reached on Mon-Fri 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey B. Robertson Primary Examiner Art Unit 1712

**JBR**